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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CAVE CONSULTING GROUP, LLC,

Plaintiff,

vs.

INGENIX, INC.,

Defendant.

Case No. 5:11-cv-0469-EJD

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING CAVE
CONSULTING GROUP, LLC'S
AMENDMENT OF ITS INITIAL
INFRINGEMENT CONTENTIONS**

1 WHEREAS Local Patent Rule 3-6 provides that a party may request leave to amend its
2 infringement contentions upon a showing of good cause and a lack of undue prejudice to the non-
3 moving party;

4 WHEREAS good cause is established when the need for amendment results from, for
5 example, the “[r]ecent discovery of nonpublic information about the Accused Instrumentality
6 which was not discovered, despite diligent efforts, before the service of the Infringement
7 Contentions,” *see* Patent L.R. 3-6(c);

8 WHEREAS, pursuant to the schedule established in this case, CCGroup served its initial
9 infringement contentions on November 4, 2011;

10 WHEREAS, six weeks later, on December 19, 2011, Ingenix responded to CCGroup’s
11 first set of discovery requests, producing operational manuals and other documents that describe
12 the functionality of Ingenix’s accused products in detail;

13 WHEREAS, based on the detailed information conveyed in these operational manuals,
14 CCGroup contends that additional claims 9, 10, and 29 of its previously-asserted ‘126 patent read
15 on Ingenix’s accused products, and now seeks to amend its Initial Infringement Contentions to
16 include these additional claims;

17 WHEREAS, Ingenix disputes the allegations of infringement, but consents to the
18 amendment of CCGroup’s infringement contentions;

19 WHEREAS, as set forth in Local Patent Rule 3-6(c), CCGroup’s recent discovery of
20 detailed non-public information about Ingenix’s accused products constitutes good cause for
21 leave to amend its Infringement Contentions, *see* Patent L.R. 3-6(c); and

22 WHEREAS, the parties are still in the early stages of claim construction and have yet to
23 file any briefing with the Court, and the parties agree that Ingenix will not be unduly prejudiced
24 by the requested amendment;

25 IT IS HEREBY STIPULATED by and between the parties hereto through their respective
26 attorneys of record that, subject to approval by the Court, that CCGroup may amend its
27 Infringement Contentions to add claims 9, 10, and 29 of the ‘126 Patent.

28
STIPULATION TO AMEND
INFRINGEMENT CONTENTIONS
Case No. 5:11-cv-0469-EJD

1 Dated: February 16, 2011

Respectfully submitted,

2 FARELLA BRAUN + MARTEL LLP

3 By: /s/ Andrew Leibnitz

4 Andrew Leibnitz

5 ARMSTRONG TEASDALE, LLP

6 David W. Harlan (*pro hac vice*)

7 B. Scott Eidson (*pro hac vice*)

8 Richard L. Brophy (*pro hac vice*)

9 Attorneys for Plaintiff

10 CAVE CONSULTING GROUP, LLC

11 DORSEY & WHITNEY LLP

12 By: /s/ J. Thomas Vitt

13 J. Thomas Vitt (*pro hac vice*)

14 Patricia A. Welch (Cal. Bar No. 127889)

15 **CERTIFICATION OF ELECTRONIC SIGNATURES**

16 Pursuant to General Order 45(X), the undersigned filer of this document certifies that
17 concurrence in the filing of this document has been obtained from each of the other signatories.

18 /s/ Andrew Leibnitz

19 Andrew Leibnitz

20 **~~PROPOSED~~ ORDER**

21 PURSUANT TO STIPULATION, IT IS SO ORDERED this 21st day of February, 2012.

22 

23 HON. EDWARD J. DAVILA

24 United States District Judge